

REMARKS

The Examiner rejected claims 1-3, 6, 7, 10, 11, 12, 15, and 16 under 35 U.S.C. §102(b) as being anticipated by European Patent Application No. EP 700703 ('703 Application). To anticipate a claim, all the limitations of the claim must be found either expressly or inherently in the four corners of the reference. The claims as amended recite a transmitter than control both a vehicle and a projectile such as a toy airplane. The EP '703 reference does not disclose a remote controlled transmitter that remotely controls the vehicle and separately controls a powered projectile.

EP '703 discloses a toy vehicle that can launch projectiles. The projectiles disclosed in EP '703 do not contain a motor or other means that can be controlled by a remote transmitter. Consequently, this reference does not disclose a remote controlled transmitter that can separately control movement of the power projectile as recited in the claims. For this reason, EP '703 does not anticipate claims 1-2, 6, 7, 10, 11, 12, 15, and 16.

The Examiner rejected claims 1, 2, 4-7, 9-16, 18, and 19 under 35 U.S.C. § 102(b) as being anticipated by Avila. The Applicant submits that Avila is not analogous art.

Avila discloses an actual military vehicle that can shoot missiles. The reference is owned the Boeing Company, an entity known for producing military equipment, not toys. This is to be contrasted with the clear claim language and disclosure of the above entitled application which relates to a toy vehicle set. The Applicant submits that Avila is not analogous to the claims of the application. Additionally, Avila does not disclose controlling movement of the vehicle

through a wireless remote controlled transmitter. For these reasons, the Applicant submits that Avila does not anticipate claims 1, 2, 4-7, 9-16, 18 and 19.

The Examiner rejected claims 8, 17, and 24-27 under 35 U.S.C. 103(a) as being unpatentable over EP '703 in view of DE '330. As noted above EP '703 does not disclose a wireless transmitter that can control the movement of the vehicle and separately control the movement of the power projectile. Consequently, the combination of EP '703 and DE '330 does not create a prima facie case of obviousness.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-19, and 24-27 at an early date is solicited.

Respectfully submitted,

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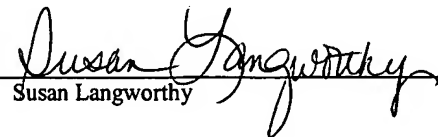
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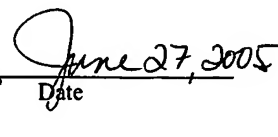

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Susan Langworthy


Date June 27, 2005